



March 30, 2007

ENGROSSED HOUSE BILL No. 1753

DIGEST OF HB 1753 (Updated March 29, 2007 9:57 am - DI 113)

Citations Affected: IC 5-20.

Synopsis: Mortgage foreclosure counseling. Authorizes the Indiana housing and community development authority (authority) to establish a program to provide free mortgage foreclosure counseling and education to homeowners who have defaulted on or are in danger of defaulting on the mortgages on their homes. Provides that the program may include a central toll free telephone number that homeowners may call to receive mortgage foreclosure counseling and education. Authorizes the authority to award grants for the training of counselors who will provide mortgage foreclosure counseling and education. Provides that the authority may establish standards for the certification of counselors. Provides that the authority may solicit contributions and grants from the private sector, nonprofit entities, and the federal government to assist in carrying out the program. Requires the authority to submit a report to the legislative council annually.

Effective: Upon passage.

Summers, Burton

(SENATE SPONSORS — LUBBERS, BRODEN, MILLER)

January 26, 2007, read first time and referred to Committee on Family, Children and Human Affairs.

February 15, 2007, reported — Do Pass. Recommitted to Committee on Ways and Means.

February 20, 2007, amended, reported — Do Pass.

February 23, 2007, read second time, ordered engrossed. Engrossed.

February 26, 2007, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

March 5, 2007, read first time and referred to Committee on Appropriations.

March 29, 2007, amended, reported favorably — Do Pass.

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EH 1753—LS 7312/DI 73+



March 30, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1753

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-20-6 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 6. Foreclosure Prevention Counseling and Assistance**

5 **Sec. 1. As used in this chapter, "authority" refers to the Indiana**
6 **housing and community development authority created by**
7 **IC 5-20-1-3.**

8 **Sec. 2. (a) The authority may establish a program to provide**
9 **free mortgage foreclosure counseling and education to**
10 **homeowners who have defaulted on or are in danger of defaulting**
11 **on the mortgages on their homes.**

12 **(b) The authority may enter into an agreement with any public,**
13 **private, or nonprofit entity to carry out any part of the mortgage**
14 **foreclosure counseling and education program.**

15 **(c) The program may include a central toll free telephone**
16 **number that homeowners may call to receive mortgage foreclosure**
17 **counseling and education.**

EH 1753—LS 7312/DI 73+



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1 (d) The authority may award grants for the training of
 2 counselors who will provide mortgage foreclosure counseling and
 3 education.

4 (e) The authority may establish standards for the certification
 5 of counselors who will provide mortgage foreclosure counseling
 6 and education.

7 (f) The authority may expend money for the purpose of
 8 advertising the mortgage foreclosure counseling and education
 9 program and the central toll free telephone number included in the
 10 program under subsection (c).

11 Sec. 3. The authority may solicit contributions and grants from
 12 the private sector, nonprofit entities, and the federal government
 13 to assist in carrying out the purposes of this chapter.

14 Sec. 4. (a) The authority shall annually submit a report to the
 15 legislative council concerning the following:

16 (1) The operation of the mortgage foreclosure counseling and
 17 education program, if the program is conducted by the
 18 authority during the reporting period.

19 (2) A summary of mortgage foreclosure rates and trends in
 20 Indiana and the United States.

21 (b) The report submitted under this section must be in an
 22 electronic format under IC 5-14-6.

23 SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1753, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1753, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 2. IC 24-9-9-4, AS AMENDED BY P.L.246-2005, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. On or before June 30 and December 31 of each year the auditor of state shall distribute:

(1) one dollar ~~and twenty-five cents (\$1.25)~~ **(\$1)** of the mortgage recording fee to the **foreclosure prevention counseling and assistance fund established by IC 5-20-6-3;**

(2) **twenty five cents (\$0.25)** to the state general fund; and

(3) one dollar and twenty-five cents (\$1.25) of the mortgage recording fee to the homeowner protection unit account established by IC 4-6-12-9."

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 6.

and when so amended that said bill do pass.

(Reference is to HB 1753 as printed February 16, 2007.)

CRAWFORD, Chair

Committee Vote: yeas 22, nays 0.

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SENATE MOTION

Madam President: I move that Senator Miller be added as cosponsor of Engrossed House Bill 1753.

LUBBERS

 COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1753, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Page 1, line 8, delete "shall" and insert "**may**".

Page 1, line 15, delete "must" and insert "**may**".

Page 2, delete lines 11 through 28.

Page 2, line 29, delete "4." and insert "**3.**".

Page 2, line 32, delete "5." and insert "**4.**".

Page 2, line 35, delete "." and insert ", **if the program is conducted by the authority during the reporting period.**".

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 8.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1753 as printed February 20, 2007.)

MEEKS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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